



## INTERIOR BOARD OF INDIAN APPEALS

Pat Hayes v. Anadarko Area Director, Bureau of Indian Affairs

25 IBIA 50 (11/30/1993)

Reconsideration denied:

25 IBIA 131

Related cases:

22 IBIA 65

Reconsideration denied, 22 IBIA 175

26 IBIA 34



# United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS  
INTERIOR BOARD OF INDIAN APPEALS  
4015 WILSON BOULEVARD  
ARLINGTON, VA 22203

PAT HAYES

v.

ANADARKO AREA DIRECTOR, BUREAU OF INDIAN AFFAIRS

IBIA 93-62-A, 93-63-A, 93-78-A,  
93-79-A, 93-84-A, 93-102-A,  
93-112-A, 93-113-A, 93-114-A,  
and 93-121-A

Decided November 30, 1993

Appeals from decisions concerning financial assistance.

Dismissed in part; affirmed in part; affirmed and remanded in part; affirmed as modified in part.

1. Indians: Financial Matters: Financial Assistance--Indians: Social Services

The Bureau of Indian Affairs is not authorized, either by the regulations governing the Bureau's general assistance program or by the corresponding provisions of the Bureau of Indian Affairs Manual, to require a non-Indian spouse of a grant recipient to submit job search reports. However, the Bureau may require the grant recipient to submit verified information concerning the spouse's employment situation.

2. Bureau of Indian Affairs: Administrative Appeals: Generally

When an appellant before the Bureau of Indian Affairs makes repetitious appeals, the Bureau deciding official may summarily dispose of any issues which have been fully addressed in earlier appeals.

3. Bureau of Indian Affairs: Administrative Appeals: Generally

Under 25 CFR 2.18, Bureau of Indian Affairs deciding officials have authority to consolidate appeals pending before them when the appeals involve common questions of law or fact.

APPEARANCES: Pat Hayes, pro se; L. W. Collier, Anadarko Area Director, Bureau of Indian Affairs, pro se.

OPINION BY ADMINISTRATIVE JUDGE VOGT

These appeals concern various requests for financial assistance made by appellant Pat Hayes between December 1992 and June 1993. The decisions appealed to the Board were made by either the Anadarko Area Director or the Acting Anadarko Area Director, Bureau of Indian Affairs (Area Director; BIA). Except for Docket No. IBIA 93-114-A, these controversies originated with appellant's requests to the Anadarko Agency, BIA, and were the subject of letters or decisions issued by the Agency Superintendent or Acting Superintendent (Superintendent), which were then appealed to the Area Director.

For the reasons discussed below, the Board dismisses the appeals in Docket Nos. IBIA 93-78-A, 93-79-A, 93-112-A, and 93-121-A; affirms the Area Director's decisions in Docket Nos. IBIA 93-62-A, 93-63-A, 93-102-A, and 93-114-A; affirms the Area Director's decision in Docket No. IBIA 93-84-A and remands the matter to him for further proceedings; and affirms the Area Director's decision in Docket No. IBIA 93-113-A as modified herein.

In a May 26, 1993, letter filed in Docket Nos. IBIA 93-78-A, 93-79-A, and 93-84-A, the Area Director requested that appellant's appeals be expedited. This decision addresses all but two of appellant's pending appeals, Docket Nos. IBIA 94-3-A and 94-11-A, which are not yet ripe for decision. Except for Docket Nos. IBIA 93-62-A and 93-63-A, all appeals addressed in this decision have been granted expedited consideration.

The appeals are discussed individually below. Some of appellant's arguments, however, are common to several of the appeals. These are the same arguments appellant made, and the Board rejected, in earlier appeals filed by appellant. See Hayes v. Acting Anadarko Area Director (Hayes I), 22 IBIA 65, recon. denied, 22 IBIA 175 (1992). The Board rejects these arguments for the reasons given in Hayes and will not discuss them further in this decision. 1/

IBIA 93-62-A

This appeal concerns a request made by appellant on December 28, 1992, for \$1,051 in general assistance benefits. 2/ Appellant titled the request "General Assistance Request-- One Time Request for Winter Clothes for Indigent Family" and listed several clothing items he wished to purchase for himself, his wife, and his son. Appellant acknowledged that he had received

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1/ The two most frequently recurring arguments are (1) that BIA officials and employees violated appellant's rights under the Privacy Act by reviewing his files in order to decide his appeals, and (2) that individuals serving in the capacity of Acting Superintendent or Acting Area Director do not have the authority to decide appeals. Both of these arguments were rejected in Hayes I.

2/ Appellant later reduced the requested amount to \$728, after acknowledging that his wife, for whom he sought \$323, is not eligible for BIA general assistance because she is non-Indian.

general assistance for the month of December 1992 in the amount of \$199, but stated that he was seeking the extra funds under certain provisions of the general assistance program--namely, 66 BIAM (BIA Manual) 5.5A(4) and 66 BIAM 5.5D(6).

The Superintendent responded to appellant's request on January 7, 1993, stating that appellant's December general assistance payment had been computed in accordance with 25 CFR 20.21(e), which provides that BIA's standard of assistance is the Aid to Families with Dependent Children (AFDC) payment standard used in the state where the applicant resides. The clear implication of the Superintendent's letter was that appellant was not entitled to the funds requested.

Appellant appealed to the Area Director, who construed the Superintendent's letter as informational in nature. By letter of February 26, 1993, the Area Director informed appellant that, if he was challenging his general assistance payment, he must first request a hearing before the Superintendent under 25 CFR 20.30. 2/ The Area Director declined to address the merits of appellant's appeal. Appellant appealed the Area Director's letter to the Board.

Because of the nature of the Area Director's decision, the only issue actually before the Board is whether he should have considered the merits of appellant's appeal to him. However, the Area Director considered the merits of a similar appeal (Docket No. IBIA 93-102-A, discussed below) and concluded that appellant was not entitled to receive the requested funds under 66 BIAM 5.5A(4). Based on the decision in that appeal, the Board assumes that, had the Area Director reached the merits of this appeal, he would have denied appellant's request. Therefore, in order to avoid delay, the Board will address the merits of this appeal.

Appellant sought funds under 66 BIAM 5.5A(4), which provides: "Special Circumstances Items. Some states, in addition to establishing essential need items, allow payment for special items required by certain individuals. The provisions in the state public assistance standards, if any, for meeting these special needs are to be appropriately applied in meeting such needs in general assistance cases [Emphasis in original]."

BIA regulations provide that "[w]here the Bureau operates a general assistance program, its standard of assistance shall be the AFDC payment standard used in the State where the applicant or recipient resides." 20 CFR 20.21(e)(1). The Area Director stated in his decision in Docket

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3/ 25 CFR 20.30(a) provides:

"Any applicant or recipient of financial assistance under this part who is dissatisfied with any decision or action concerning eligibility for or receipt of financial assistance may request a hearing before the Superintendent or his designated representative within 20 days after the date of mailing or delivery of the written notice of the proposed decision."

No. IBIA 93-102-A that, with respect to appellant, "this state is Oklahoma and their method of payment is a rateable reduction of the need standard and includes or incorporates basic and special needs items into one standard of assistance." (Emphasis in original.) Appellant has not refuted this statement, either in this appeal or in Docket No. IBIA 93-102-A. He has not shown that the Oklahoma AFDC program is one in which a separate provision is made for "special needs." He therefore has not shown that he was entitled to receive any amount for "special needs," let alone the amount he requested. Further, even assuming that "special needs" were separately provided for in the Oklahoma program, he has not shown that clothes are a "special need" under that program. Accordingly, the Board finds that appellant is not entitled to receive \$728 for the purchase of clothes under 66 BIAM 5.5A(4).

Alternatively, appellant sought funds under 66 BIAM 5.5D(6), which provides:

Available imprest funds may be used by Bureau programs to meet an emergency need. Purchase orders for subsistence needs may be used to prevent hardship, or to meet an emergency only when a delay in payment by check would cause hardship. These amounts for emergency need are to be deducted from subsequent general assistance grants, therefore only persons eligible for general assistance could receive emergency purchase orders. [Emphasis in original.]

It is apparent that this provision is intended to cover true emergencies where there is not enough time to prepare a check. It is also apparent that the provision authorizes only payment, in advance, of the general assistance benefits to which the applicant is or would be entitled, not funds in excess of those amounts. Not only had appellant already received his December general assistance payment at the time he made his request, he also made it clear that he was seeking funds "over and above" the amount to which he was entitled under the general assistance program. The Board finds that appellant is not entitled to receive \$728 for the purchase of clothes under 66 BIAM 5.5D(6).

Construing the Area Director's February 26, 1993, letter as a decision on the merits, and one which denied appellant's request for funds, the Board affirms that decision.

#### IBIA 93-63-A

This appeal concerns appellant's January 4, 1993, application for general assistance for the month of January 1993. Appellant's application was approved on January 25, 1993. On January 31, 1993, appellant complained that the approval was late under the regulations governing BIA's general assistance program. He requested a hearing under 25 CFR 20.30. The Superintendent replied that the approval of appellant's application had been given within 30 days of the application and was therefore timely under

25 CFR 20.12(a)(3). <sup>4/</sup> Appellant appealed to the Area Director, who, by letter of March 2, 1993, stated that the Agency's approval was timely. Appellant then appealed to the Board.

Appellant's argument that the approval of his application was untimely is based upon 25 CFR 20.13, which provides: "Written notice of proposed decision. \* \* \* (b) If the action is to reduce, suspend, or terminate financial assistance to the recipient, the written notice shall be provided to the recipient 20 days in advance of the proposed effective date." In his statement of reasons before the Board, appellant argues for the first time that the January 25, 1993, approval "reduced" his benefits "from a state standard for a family of 3 for \$324.00 to \$202.00."

The Board has stated on a number of occasions that it is not required to consider arguments which are raised for the first time on appeal and which the BIA deciding official therefore had no opportunity to address. E.g., Joint Board of Control v. Acting Portland Area Director, 22 IBIA 22 (1992). Since it would be pointless to prolong this matter, however, the Board will address appellant's argument.

Appellant misconstrues the provision he cites. As is clear from its terms, that provision concerns proposed reductions or other adverse actions relating to previously approved BIA financial assistance. Appellant admits that he received \$199 in general assistance in December 1992 and \$202 in January 1993. Appellant's benefits were not reduced in January 1993.

25 CFR 20.13(b) is not relevant to the Superintendent's approval of appellant's application. Under the relevant regulatory provision, 25 CFR 20.12(a)(3), the approval was timely. Therefore, the Board affirms the Area Director's March 2, 1993, letter.

#### IBIA 93-78-A and 93-84-A

These appeals concern appellant's March 1, 1993, application for general assistance for the month of March 1993. On March 3, 1993, the Superintendent advised appellant that in order to establish eligibility for March general assistance, he must submit, on or before March 12, 1993: (1) verification that he had applied for Social Security benefits <sup>5/</sup> and (2) a copy

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<sup>4/</sup> 25 CFR 20.12(a)(3) provides:

"Action to approve or deny an application shall be made within 30 days of the date of the application, or if not the applicant shall be notified in writing of the reasons why such a decision cannot be made, but in no event shall any application be held pending beyond 45 days of the date of the application."

<sup>5/</sup> Under 25 CFR 20.21(c)(3), appellant was required to apply for other Federal, State, or local assistance programs for which he is eligible. Under 25 CFR 20.21(c)(1), he was eligible to receive BIA general assistance

of his 1992 Federal income tax return. When appellant had not submitted the requested documents by March 15, 1993, the Superintendent issued a decision denying appellant's application for March benefits.

By letter of March 10, 1993, appellant appealed to the Area Director from the Superintendent's March 3 letter. The Area Director responded on March 22, 1993, stating that the Superintendent's March 3 letter was informational only and therefore was not appealable. Appellant appealed the Area Director's March 22 letter to the Board. That appeal is docketed as IBIA 93-78-A.

The Superintendent's March 15, 1993, denial decision advised appellant that, if he was dissatisfied, he could request a hearing before the Superintendent. Appellant requested a hearing. The Superintendent then reversed himself and advised appellant, by letter of March 25, 1993, that he was not entitled to a hearing because the denial of benefits was based on appellant's failure to submit documents. Appellant appealed the March 25 letter to the Area Director. The Area Director issued a decision in this appeal on April 19, 1993. He agreed with appellant that a hearing should have been conducted and remanded the case to the Superintendent for a hearing. Appellant appealed the Area Director's April 19 decision to the Board. That appeal is docketed as IBIA 93-84-A.

Pursuant to the Area Director's remand, the Superintendent scheduled a hearing for April 29, 1993, at which appellant failed to appear. On May 4, 1993, the Superintendent issued a decision affirming his March 15, 1993, denial of benefits.

These two appeals are in a procedural muddle. It is apparent that no final BIA decision has yet been issued with respect to the real issue here, *i.e.*, whether appellant's March benefits were properly denied. Although the Superintendent purported to issue a decision on May 4, 1993, that decision was not valid because the matter was then pending before the Board. See, e.g., United Auburn Indian Community v. Sacramento Area Director, 24 IBIA 33, 38-39 (1993), and cases cited therein.

The Board's task here is to put this matter back on track. Because the Superintendent's March 3, 1993, letter and the Area Director's March 22, 1993, letter were clearly intended to be informational, the Board dismisses the appeal in Docket No. IBIA 93-78-A as premature. The Board affirms the Area Director's April 19, 1993, decision in Docket No. IBIA 93-84-A and

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fn. 5 (continued)

once he had applied for the other benefits and until he began to receive those benefits.

Appellant was thought to be eligible for Social Security benefits and was therefore required to apply for them.

6/ The Superintendent may not have realized that the Area Director's Apr. 19 decision, which remanded the matter to him, had been appealed to the Board. The Board's pre-docketing notice in that appeal was issued on Apr. 30, 1993.

remands the matter to him for further proceedings. The matter should now proceed to a hearing before the Superintendent.

IBIA 93-79-A

This is an appeal from a March 26, 1993, Area Director's decision concerning appellant's application for general assistance for the month of December 1992. Although he filed a statement of reasons in this appeal, appellant later filed a motion to withdraw the appeal, stating that the Area Director's decision was in his favor.

Appellant's motion to withdraw this appeal is granted, and this appeal is dismissed.

IBIA 93-102-A

This is an appeal from an undated Area Director's decision, received by appellant on May 21, 1993, denying appellant's request for \$542 for clothes for himself and his son. Appellant sought the funds under 66 BIAM 5.5A(4) or under 25 CFR 20.23, "Miscellaneous assistance." In his brief before the Board, appellant also contends that a payment for this purpose was authorized under 66 BIAM 5.5D(6).

The Board found above, in its discussion of Docket No. IBIA 93-62-A, that neither 66 BIAM 5.5A(4) nor 5.5D(6) authorized a payment to appellant for the purpose of purchasing clothes. In Hayes I, the Board reached the same conclusion with respect to 25 CFR 20.23. For the reasons given earlier, appellant's arguments on these points are again rejected.

Appellant argues in this appeal that BIA violated his right to due process by failing to convert his written request for financial assistance into a formal application. He cites 55 BIAM 5.3B, which provides:

All requests [for general assistance], however received, shall ultimately be properly recorded on an application form and signed by the applicant(s). In situations where it is difficult to obtain a written application on a prescribed form, the caseworker shall mail the official application form to the applicant at the earliest possible date. No decision will be made until a signed application is received by the caseworker.

Appellant's due process allegation appears to be based upon an assumption that, unless he signed a formal application, he would not have the right to appeal a denial. Appellant was not deprived of his right to appeal in this matter and, in fact, was specifically advised of that right by the Area Director. The Board finds that appellant's due process rights were not violated by the fact that no formal application was prepared.



The Board affirms the Area Director's undated decision, received by appellant on May 21, 1993.

IBIA 93-112-A and 93-121-A

These appeals concern appellant's eligibility for general assistance for the month of May 1993. By letter of May 7, 1993, the Superintendent informed appellant that in order for appellant's eligibility for May to be determined, he must submit, on or before May 27, 1993, a signed consent authorizing the Social Security Administration to release information concerning the status of appellant's application for Social Security benefits. On May 19, 1993, appellant requested a hearing on his May benefits. The Superintendent responded on May 27, 1993, stating that the request was premature because appellant had not yet submitted the required consent form and therefore no determination had been made as to his eligibility for May benefits. The Superintendent concluded: "When a decision has been made on your May 1993 general assistance you will be notified by letter and given appeal rights. You may then file a written request for a hearing."

Appellant filed separate appeals from the Superintendent's May 7 and May 27, 1993, letters. The Area Director's decisions in the two appeals were issued on June 23 <sup>7/</sup> and July 7, 1993. In both, he held that the appeals were premature. Appellant appealed both decisions to the Board. His appeal from the June 23 decision is docketed as IBIA 93-112-A. His appeal from the July 7 decision is docketed as IBIA 93-121-A.

Appellant was ultimately denied general assistance benefits for May 1993. The Area Director issued a decision concerning the denial on August 27, 1993. Appellant's appeal from that decision is pending before the Board in Docket No. IBIA 94-11-Am which is not yet ripe for decision.

The Board agrees with the Area Director that appellant's appeals in Docket Nos. IBIA 93-112-A and 93-121-A are premature. The matter of appellant's eligibility for May 1993 general assistance will be addressed when Docket No. IBIA 94-11-A is decided.

The appeals in Docket Nos. IBIA 93-112-A and 93-121-A are dismissed as premature.

IBIA 93-113-A

This appeal concerns appellant's general assistance benefits for the month of February 1993. Appellant applied for benefits on February 1, 1993, and was approved on February 8, 1993, for a payment in the amount of \$224. Appellant objected to the amount and also objected to the fact that BIA

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<sup>7/</sup> The Area Director issued three decisions on June 23, 1993. Appellant appealed all three to the Board. The other two, docketed as IBIA 93-113-A and 93-114-A, are discussed below.

required appellant's non-Indian wife to submit evidence that she had made attempts to find a job.

Pursuant to appellant's request, a hearing was held at the Agency on March 18, 1993. On April 2, 1993, the Superintendent issued a decision. She explained that, under 25 CFR 20.21(e), appellant's benefits were required to be calculated in accordance with the Oklahoma AFDC payment standard. She continued:

[T]he [Oklahoma AFDC] needs standard for a family of three is \$324. We subtract the needs of your wife, who is a non-Indian, because we do not service non-Indians. So we reduce your need to \$251.00 which is the Need Standard for two Indian family members. Your household receives \$100.00 for the rental income. [8/] We allow \$73.00 of the \$100.00 for the needs of your wife, which leaves \$27.00 in excess that is subtracted from the \$251.00. The need standard for two Indians is \$224.00, or you can deduct \$100.00 from \$324.00 and it still equals \$224.00.

\* \* \* \* \*

Your question arises about your non-Indian wife being required to submit work efforts even though she is not benefitting from our program. Since your wife is living with you and you are not legally separated, we have to consider her as a possible resource.

Appellant appealed this decision to the Area Director, who affirmed it on June 23, 1993. Appellant then appealed to the Board.

66 BIAM 5.5A(3)(c) provides: "In a mixed household, (i.e., a household composed of Indians and non-Indians), the total unmet need is determined, then the eligible Indian members receive their proportionate share of the total." It appears to the Board that, in this case, the total unmet need for appellant's family, including his wife, is \$224, i.e., the \$324 Oklahoma AFDC payment standard for a family of three, minus \$100 in rental income. Thus it appears that BIA has been generous to appellant because it has paid him the same amount he would receive from the State for a family of three, even though only two family members are eligible to receive BIA general assistance. 9/

The Board finds that, if BIA erred in its calculation of appellant's payment, it erred in appellant's favor. Appellant is not entitled to receive any more in benefits for February 1993 than he has already received.

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8/ The rental income derives from a house belonging to appellant's wife.

9/ As the Board understands it, if the State of Oklahoma were providing financial assistance to appellant's family, it would also deduct the rental income from the AFDC payment standard.

With respect to job search requirements, 25 CER 20.21(i)(1) provides: "An applicant or recipient must actively seek employment, including use of tribally or Bureau-funded employment assistance services. The individual is also required to accept available local employment. An individual who does not comply will not be eligible for general assistance." Exceptions to the job search requirement are made for certain categories of recipients, who are listed in section 20.21(i)(1)(i) through (x).

66 BIAM 5.4D provides in part:

Each month the caseworker must require the recipient to submit written proof of having actively sought employment. Failure to provide at least three potential employment contacts and submitting verification each month will result in a 60 day penalty as provided for by 25 CFR Part 20.21(i)(4). [10/]

(1) Individuals included in the general assistance grant must provide evidence of efforts to obtain employment, unless they are exempt \* \* \*.

It appears that, in this case, BIA may have required job search reports from appellant's wife in exchange for its apparently generous calculation of appellant's benefits. The Board draws this inference from a statement made by a BIA employee at the March 18, 1993, hearing: "If you want us to divert income to your wife, those forms [appellant's wife's job search forms] will have to be filled out. We diverted \$73 for her needs. This will reduce your check further" (Hearing Transcript at 2).

[1] Although it appears that BIA took this action to benefit appellant by providing him a larger payment, the Board finds no authority for it in the regulations or the BIAM. Neither authorizes BIA to require job search reports from a non-Indian spouse, who is not supposed to be included in general assistance benefits.

The Board therefore concludes that BIA erred in requiring job search reports from appellant's wife. 11/ The Board further concludes that BIA should not have provided any special accommodation to appellant in calculating his payment. As discussed above, it appears that appellant's

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10/ 25 CFR 20.21(i)(4) provides:

"Individuals not exempt under one of the preceding clauses of this section, who refuse, or otherwise fail to seek and accept available local employment, or who voluntarily and without good cause do not maintain their employed status, will not be eligible to receive general assistance for a period of 60 days following the date of application, or eligibility redetermination."

11/ However, BIA clearly may require appellant to submit verified evidence concerning his wife's employment status, for the purpose of determining the income contribution she is making to the family. See 25 CFR 20.21(f).

February 1993 payment may have been larger than it should have been. The Board will not require that BIA attempt to collect any overpayment from appellant. However, in the future, calculation of appellant's payment should be made in strict accordance with the regulations and the BIAM, even if it results in a lower payment to appellant.

The Area Director's decision at issue in this appeal is affirmed as modified by deletion of the requirement that appellant's wife submit job search reports.

#### IBIA 93-114-A

This appeal concerns appellant's June 1, 1993, request to the Area Director for \$2,000 in emergency short-term assistance under 25 CFR 20.20(c). This regulatory provision authorizes the Deputy Assistant Secretary - Indian Affairs, "upon written request of an appropriate tribal governing body or the appropriate Bureau line official," to "authorize emergency short-term assistance and services to Indians" under certain conditions. In a decision dated June 23, 1993, the Area Director declined to forward appellant's request to the Deputy Assistant Secretary.

Appellant's similar request under 25 CFR 20.20(c) was discussed in Hayes I. For the same reasons given in that decision, the Board concludes here that the Area Director properly declined to forward appellant's request to the Deputy Assistant Secretary.

The Area Director's decision at issue in this appeal is affirmed.

#### Conclusion

[2] In his May 26, 1993, letter in Docket Nos. IBIA 93-78-A, 93-79-A, and 93-84-A, the Area Director stated: "If at all possible, we would entertain a decision that would prevent [appellant] from continuously arguing the same issues or points that have already been decided." The Board cannot order appellant to refrain from repeating his arguments. Even so, BIA is not required to address the same arguments again and again. When appellant raises an argument which has already been decided against him, BIA may treat it summarily, noting that it has already been decided. When the already-decided issue is controlling as to whether appellant is entitled to receive benefits (as, for instance, in the case of appellant's recurring requests for "one-time" assistance for purchase of clothes), the matter may be referred immediately to the Area Director for issuance of a final BIA decision. 12/

[3] BIA may avoid some of the procedural problems that arise when appellant files premature appeals, *i.e.*, appeals from informational letters concerning a pending application, by holding them until a decision on

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12/ Thus, in cases where already-decided issues are controlling, there would be no requirement for a hearing or a Superintendent's decision under 25 CFR 20.30.

appellant's application has been made, so that all appeals concerning the same application may be consolidated. See 25 CFR 2.18. This way, a single decision may be issued for each application. In the event a premature appeal reaches the Board while the matter is still pending before BIA, the Area Director may request remand of the appeal before the Board so that BIA may consolidate it with the matter pending before BIA. The Board would expect to grant such requests.

Appellant is cautioned that, when he files repetitious or premature appeals, he often does so to his own detriment, because he succeeds only in delaying resolution of the real issues. This is most apparent here in Docket No. IBIA 93-84-A, in which he appealed an Area Director's decision favorable to him. By so doing, he prevented BIA from issuing a final decision in the case and is therefore still without an answer as to whether he is entitled to receive general assistance benefits for March 1993. Appellant has only himself to blame for this delay.

Pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 CFR 4.1, the appeals in Docket Nos. IBIA 93-78-A, 93-79-A, 93-112-A, and 93-121-A are dismissed; the Area Director's decisions in Docket Nos. IBIA 93-62-A, 93-63-A, 93-102-A, and 93-114-A are affirmed; the Area Director's decision in Docket No. 93-84-A is affirmed and the matter remanded to him; and the Area Director's decision in Docket No. IBIA 93-113-A is affirmed as modified in this decision. 13/

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//original signed

Anita Vogt  
Administrative Judge

I concur:

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//original signed

Kathryn A. Lynn  
Chief Administrative Judge

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13/ All arguments made by appellant and not addressed in this decision have been considered and rejected.